

ashland wi.com  
click here



CLICK HERE FOR ONLINE  
ADVERTISING OPPORTUNITIES

#### Inside

[Local Quiz](#)  
[Postcards](#)  
[Quickpoll](#)  
[Calendar](#)  
[Ashland](#)  
[Chamber](#)

Front Page  
Business  
Sports

## THE DAILY PRESS

Ashland, Wisconsin

NORTHERN WISCONSIN'S MORNING NEWSPAPER

Community Opinions Obituaries

Calendar  
Subscribe  
Health

[Email this story to a friend](#)

## Wetland protectors play waiting game

Steve Tomasko  
The Daily Press

Since last week's U.S. Supreme Court decision limiting federal jurisdiction over isolated wetlands, Wisconsin Department of Natural Resource officials and others are waiting to see how that decision should be interpreted.

The Supreme Court ruled 5-4 that the Clean Water Act should not prevent suburban Chicago localities from building a landfill on seasonal ponds used by migrating birds. The ruling said the U.S. Army Corps of Engineers lacked jurisdiction since the wetlands were isolated and did not connect to any navigable water.

For almost two decades, the Army Corps has interpreted their responsibility for protecting the nation's waters to include wetlands of all types.

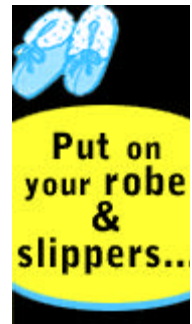
Since the state's jurisdiction over wetlands is tied to federal statutes, DNR officials say as many as 4 million acres of wetlands in Wisconsin may no longer be protected. According to DNR figures, that includes 94 percent of Ashland County's 167,317 wetland acres and 88 percent of Bayfield County's 78,992.

However, that figure is under a "worse-case scenario," and the DNR is waiting to see how the Army Corps interprets the court's decision.

"basically we're waiting to see what the real impact of this decision is," said Franc Fennessey, executive assistant to DNR Secretary George Meyer.

The troops on the ground are waiting too.

Ralph Augustin, chief of the Wisconsin wetland permit section for the Army Corps said he's waiting to hear from higher-ups.



#### Know Now

[Stocks](#)  
[Yellow Pages](#)  
[Lottery](#)  
[Weather](#)  
[cnn](#)

#### About Us

[Advertise](#)  
[Subscribe](#)  
[Open Forum](#)



"As with most of these things [Supreme Court decisions], there's a window of interpretation," Augustin said.

The Corps is discussing the situation with the Department of Justice and the Environmental Protection Agency. Augustin said he expects the Corps to have a ruling on the court's decision sometime next week.

In the mean time, wetland advocates are calling for quick action to close the protection gap opened by the ruling.

Charlie Luthin, executive director of the Wisconsin Wetlands Association said state lawmakers could turn this crisis into an opportunity.

"I see this as the most significant blow to wetland conservation in the last three decades," Luthin said.

However, a good wetland law for Wisconsin, placing appropriate regulatory jurisdiction with the DNR, will in the end be better than what we have historically had with the federal government, Luthin said.

Wetlands provide habitat and breeding areas for many wildlife species. Scientists say wetlands absorb water and slow down flooding during times of heavy rain. Wetlands are also good filters, straining out impurities before they reach rivers and lakes.

Some state legislators are wasting no time in drawing up wetland-protection legislation.

State Senator Rob Cowles, R-Green Bay, is working on draft legislation to introduce into the Senate at the end of the month, and Senator Jim Baumgart, D-Sheboygan, Chair of the Senate Environmental Resources Committee, has indicated that wetland protection is a "top priority" for his committee. Rep. Spencer Black, D-Madison, is also eager to help pass a strong wetland protection bill in the Assembly.

"I believe we need to re-assert state authority on wetland protection," Black said.

However, he expects a fight from some quarters, such as developers and the cranberry industry.

"It will probably be the conservation fight of the legislative session," Black said.

Without wetland protection, people we will have dirtier water, more floods and less wildlife, he said. It's important to act quickly to shut down any window of opportunity developers might have to un-restricted wetland filling, Black said.

"My sense is that people in Wisconsin don't want to see their wetlands destroyed just because the legislature sits on its butt," he said.

Others, however, are advocating a go-slow policy.

Jeff Schoepke, director of environmental policy at Wisconsin Manufacturers and Commerce said it is an issue his group will be involved in legislatively.

But, he's recommending caution, and a slow approach to enacting new laws, "so that the right decision is made and we don't regret it later."

Jerry Deschane, deputy executive vice president with the Wisconsin Builders Association also recommends a slow approach.

"We're not moving in any direction and we're encouraging our members not to move in any direction until we find out from the Army Corps of Engineers what this actually means," Deschane said.

Right now his organization is "holding tight" and not endorsing or looking at any legislation. Deschane said some reactions to the court ruling might be overblown.

"There's been a lot of what I would call alarmist rhetoric to this point, unfortunately," he said. "I think that's unnecessary and in the end, we may find out that it's wholly unfounded. There's some attorneys that say this decision is awfully narrow."

On the other hand, Fennessey said "the Supreme Court's decision was more far-reaching than we anticipated. We're very disappointed in where this leaves us."

Like Luthin, Fennessey said in the end it could be a good opportunity for the state to develop its own wetland protection rules.

"We're somewhat optimistic that something can be done and done quickly," he said.

Ted Smith, DNR supervisor of water programs for the Lake Superior Region said the court's ruling does not give developers a green light to fill in wetlands.

"We're doing business as usual until we learn more about the decision," Smith said. "The old rules are going to apply until the new rules are figured out."

**THE DAILY PRESS**  
www.ashlandwi.com  
(715) 682-2313